

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

OCT - 8 2020

UNITED STATES OF AMERICA

§

BY
DEPUTY _____

v.

No. 9:20-CR-50

ORLANDO ENRIQUE QUESADA-OLIVA (1)
VICTOR ENTENZA (2)
RICARDO CHAVEZ-TRAVIESO (3)

CLARK | Hawthorn

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. § 1029(a)(4) & (2)
(Possession of Device Making Equipment;
Aiding & Abetting)

On or about January 27, 2017, **Orlando Enrique Quesada-Oliva, Victor Entenza** and **Ricardo Chavez-Travieso**, defendants, aided and abetted by each other and others known and unknown to the grand jury in the Eastern District of Texas, did knowingly and with intent to defraud, have custody or control of or possess, device-making equipment, that is a magnetic card reader writer encoder and or a Bluetooth-enabled credit card skimming device, each designed for and used for making access devices, and use said device-making equipment to obtain unauthorized credit card numbers from a retail gasoline and convenience store, said activity affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 1029(a)(4) and 2.

Count Two

Violation: 18 U.S.C. § 1029(b)(2)
(Conspiracy to Commit Access Device Fraud)

The Conspiracy

From in or about December 2016 to on or about January 27, 2017, **Orlando Enrique Quesada-Oliva, Victor Entenza and Ricardo Chavez-Travieso**, defendants, in the Eastern District of Texas, did knowingly and with intentionally combine, conspire, confederate and agree with each other and other persons, both known and unknown to the Grand Jury to have custody or control of or possess, device-making equipment, that is a magnetic card reader writer encoder and or a Bluetooth-enabled card skimming device, each designed for and used for making access devices, and use said device-making equipment to obtain unauthorized credit card numbers from a retail gasoline and convenience store, said activity affecting interstate and foreign commerce in violation of Title 18, United States Code, Section 1029(a)(4);

Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, and to further such offenses, the defendants and co-conspirators performed or caused the following overt acts in the Eastern District of Texas, among others:

On or about January 27, 2017 the defendants and/or co-conspirators concealed device-making equipment in a motor vehicle in a manner intended to avoid detection by law enforcement authorities and said motor vehicle was being operated in the Eastern District of Texas by defendant and co-conspirator, **Victor Entenza**.

All in violation of Title 18, United States Code, Section 1029(b)(2).

Count Three

Violation: 18 U.S.C. § 1028A(a)(1) & (2)
(Aggravated Identity Theft; Aiding & Abetting)

On or about January 27, 2017, **Orlando Enrique Quesada-Oliva, Victor Entenza** and **Ricardo Chavez-Travieso**, defendants, aided and abetted by each other and others known and unknown to the grand jury in the Eastern District of Texas, did knowingly possess, without lawful authority, a means of identification of another person or persons, that being credit card account numbers, during and in relation to a felony violation, to wit, access device fraud in violation 18 U.S.C. § 1029(a)(4), that is the possession of device-making equipment.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and 2.

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

Criminal Forfeiture Pursuant to 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1029(c)(1)(C)
and 18 U.S.C. § 1028(b)

As the result of committing the offenses alleged in this Indictment, the defendants shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1029(c)(1)(C) and 18 U.S.C. § 1028(b), all property, real or personal, that constitutes or is derived from proceeds traceable to the aforementioned offense. All such property is forfeitable to the United States.

1. The allegations contained in Counts One and Two of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1029(c)(1)(C) and 18 U.S.C. § 1028(b).

2. Upon conviction of the offenses set forth in Counts One and Two of this indictment, **Orlando Enrique Quesada-Oliva, Victor Entenza and Ricardo Chavez-Travieso**, defendants, shall forfeit to the United States of America, pursuant to 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1029(c)(1)(C) and 18 U.S.C. § 1028(b), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following:

Two (2) Black Scan Disc Micro SD Cards

One (1) black magnetic card reader writer encoder, model MSR605X

One (1) Bluetooth-enabled card skimming device

One (1) black cellular phone; iPhone 7, model A1661; SN: FCC ID:BCG-E3087A

One (1) gold cellular phone; Apple iPhone; model A1633; SN: FCC ID: BCG-E2946A

One (1) black cellular phone; Samsung; model: SM-B311VUD; SN: FCC ID: A3LSMB311V

One (1) black cellular phone; Samsung; model: SM-G550T1; FCC ID: A3LSMG55OT

One (1) black cellular phone; LG Smart Phone; model Cricket; SN: 610VTLZ46400

One (1) Key; brand: Axxess

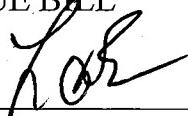
One (1) black cellular phone; LG Smart Phone; model: Trac Phone; SN: 608CYDG0023

One (1) data storage device (thumb drive)

One (1) blue computer; Acer, model: N15W5; SN: NXG10AA0056310045A6600

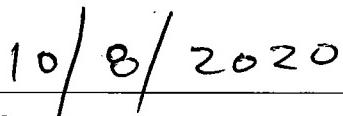
All pursuant to 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 1029(c)(1)(C) and 18 U.S.C. § 1028(b).

TRUE BILL


GRAND JURY FOREPERSON

STEPHEN J. COX
UNITED STATES ATTORNEY


TOMMY L. COLEMAN
Special Assistant United States Attorney


Date

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NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. § 1029(a)(4) & (2)
(Possession of Device Making Equipment; Aiding & Abetting)

Penalty: Imprisonment for not more than 15 years, a fine
not to exceed \$250,000.00, (or twice the
pecuniary gain to the defendant or loss to the
victim) or both; and supervised release of not
more than three (3) years.

Special Assessment: \$100.00

Count Two

Violation: 18 U.S.C. § 1029(b)(2)
(Conspiracy to Commit Access Device Fraud)

Penalty: Imprisonment for not more than 7.5 years, a
fine not to exceed \$250,000.00, (or twice the
pecuniary gain to the defendant or loss to the
victim) or both; and supervised release of not
more than three (3) years.

Special Assessment: \$100.00

Count Three

Violation: 18 U.S.C. § 1028A(a)(1) & (2)
(Aggravated Identity Theft; Aiding & Abetting)

Penalty: Imprisonment for 2 years, a fine not to exceed \$250,000.00, (or twice the pecuniary gain to the defendant or loss to the victim) or both; and supervised release of not more than three (3) years. Imprisonment to run consecutive to any other term of imprisonment imposed for other offenses.

Special Assessment: \$100.00